

April 25, 2005  
Seven o'clock P.M.  
Council Chambers, City Hall  
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, April 25, 2005, was called to order at 7:00 p.m. by the honorable acting Mayor MURRY WITCHER. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (8/0). Assistant City Clerk Linda Marshall was also present.

The invocation was given by Acting City Attorney Jason Carter, followed by the pledge of allegiance to the flag which was led by Alderman Hight.

On the motion of Alderwoman Robinson and seconded by Alderman Bryant, and by consent of all members present, the minutes from a regular council meeting held on Monday, April 11, 2005, were accepted and filed as prepared by the City Clerk (8/0).

On the motion of Alderman Gipson and seconded by Alderwoman Robinson, and by consent of all members present, communication #9 was read in its entirety, accepted and filed (8/0).

9. Mayor Hays letter to Ms. Diane Whitbey, City Clerk and City Council members re: out of town, Monday, April 25, 2005, Alderman Witcher to preside over City Council meeting.

On the motion of Alderman Hight and seconded by Alderman Parker, and by consent of all members present, communications #1, 2, 3, 4, 5, 6, 7 and 8 were not read, but accepted and filed (8/0).

1. Sharon Tedford, Mayor's Office memorandum re: replacement retail beer off premises permit for Camp Robinson Exxon f/k/a Camp Robinson Food Mart, 3800 Camp Robinson by Mohammed YaFai.
2. Sharon Tedford, Mayor's Office memorandum re: replacement retail wine permit for B & J Superstop, Inc. f/k/a Superstop #433, 4622 Camp Robinson Road, by Bok Sook Han.
3. Sharon Tedford, Mayor's Office memorandum re: temporary new Sunday beverage permit for Corky's Ribs & BBQ, 2947 Lakewood Village Drive, by Tommy Hilburn.
4. Sharon Tedford, Mayor's Office memorandum re: replacement retail beer off premises permit for BK Food Mart f/k/a Metro Food Mart, 2500 Old Jacksonville Highway, by Brian Kin.
5. Mike Smith, Chief City Engineer memorandum re: Proposed 2005 Street Overlay Program (including all four wards). Acting Mayor Witcher asked Mr. Smith to come forward and explain. Mr. Smith advised he has driven every street in the city, the memorandum includes streets which need to be overlayed. Three factors were used including the condition of the street, roughness of the street, and volume of traffic. The overlay program has been cut back this year. Alderman Hight asked about the Windsor Valley area. Mr. Smith said concrete streets were evaluated on a separate map, the streets included herein are asphalt streets. Concrete streets are nice however, when they fail, the concrete is the most expensive to repair. Alderman Hight asked about River Road to the entrance of the rock quarry. The street is rough and appears to have tracks in it. Alderman Thomas asked about the area of Vestal Street and off of Saunders. Alderman Parker asked about the street to the old Baptist Hospital property now being used by the State of Arkansas.
6. Fritz Friedl, Director of Volunteer Services for the City of North Little Rock, Annual Report of Volunteer Service during the year 2004, there were 14,972 volunteers, contributing a total of 192,887 hours, valued at \$3,697,799.00 (this amount is based on \$100.00 per hour for Board and Commission volunteers and \$17.19 per hour for all other volunteers).
7. Darren Peters, Board Chairman, Central Arkansas Transit Authority (CATA) letter to Mayor Hays re: report on activities and progress of CATA.
8. Sharon Tedford, Mayor's Office memorandum re: replacement large attendance facility permit for Alltel Arena f/k/a Leisure Management International by Michael Marion.

Acting Mayor Witcher invited Mrs. Mary Ruth Morgan, City Treasurer and Mrs. Linda Marshall, Assistant City Clerk and Collector (representing Ms. Diane Whitbey, City Clerk and Collector to come forward) and read a proclamation proclaiming the week of May 1 through May 7, 2005, as City Clerk and Treasurers week in the City of North Little Rock. Acting Mayor Witcher acknowledged the years of service of Ms. Whitbey, her staff (Linda Marshall, Mattie Robbins and Amber Hodge) and Mrs. Morgan and thanked all for their service to the residents of North Little Rock.

Acting Mayor Witcher invited Mrs. Shelley Yielding with Special Olympics to come forward. Mrs. Yielding acknowledged the contributions made by North Little Rock Police Chief Danny Bradley, the North Little Rock Police Department, Sergeant Kuykendal, Officer Norman and Officer Kersey for the 14,000 athletes state-wide who participate in Special Olympics and for their dedication and support of the Law Enforcement Torch Run and other fund raising events. The Police Department has participated since 1986. Since December, 2004, the North Little Rock Police Department has raised over \$42,000.00. Mrs. Yielding invited everyone to the Special Olympics Flame of Hope Event during the Arkansas Summer Special Olympics Games at Harding University. On Thursday, May 19, 2005, the Flame of Hope will travel through North Little Rock beginning at 10:15 a.m.

#### **UNFINISHED BUSINESS**

O-05-22

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT THE SW CORNER OF HILLARD ROAD AND CRYSTAL HILL ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R-4 TO I-1 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held by Acting Mayor Witcher for the sponsor, Mayor Hays.

O-05-25

AN ORDINANCE AMENDING § 12.15.B OF ORDINANCE NO. 7697 (“THE ZONING ORDINANCE”) RESTRICTING FENCE HEIGHT AND PLACEMENT TO IMPROVE FIRE PROTECTION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read three times on April 11, 2005, amended, and recalled, was read. Alderman Gipson requested a public hearing be set for 7:05 p.m. for Monday, May 9, 2005. Alderman Gipson thought an 8' fence was only allowed across the rear property line. He has learned the entire back yard from the back of the house to the back of the property line can be 8'. If a fence is going to create less than a 6' pathway between the side of the property line and the fenced part of the adjoining property line, consent of the Fire Marshall is required. In commercial areas, the distance between a fence and fire hydrant needs to be considered. On the motion of Alderman Gipson and seconded by Alderman Parker, and by consent of all members present, the ordinance was amended as follows: *add to Section B.* SIDE YARDS AND REAR YARD OF RESIDENTIAL AND COMMERCIAL ZONES. FENCES UP TO 8' MAY BE ERECTED ACROSS THE REAR PROPERTY LINE. FENCES UP TO 6' MAY BE ERECTED ALONG THE SIDE YARD FROM THE REAR OF THE LOT TO THE FRONT CORNER OF THE BUILDING EXCEPT AS NOTED: a. ANY FENCE THAT WILL CREATE A SIDE YARD OF LESS THAN 6' ON THE PROPERTY OR OF THE ADJOINING PROPERTY SHALL REQUIRE THE CONSENT OF THE FIRE MARSHAL AS TO SAFETY. b. NO FENCE SHALL BE ERECTED CLOSER THAN 36" FROM THE CENTERLINE OF A FIRE HYDRANT (8/0). The legislation was then held.

#### **NEW BUSINESS**

R-05-53 (RESOLUTION NO. 6755 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR & CITY CLERK TO ENTER INTO A CONTRACT TO SELL REAL ESTATE FOR HIGHWAY PURPOSES; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0). (The property is at the corners of Poplar, Magnolia and Broadway for an underpass.)

R-05-54 (RESOLUTION NO. 6756 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS AGAINST CERTAIN PROPERTY LOCATED IN BLOCK 1, ORIGINAL CITY OF ARGENTA, NOW NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0). (The property is connected to the location of the USS Razorback.)

R-05-55 (RESOLUTION NO. 6757 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS AGAINST PROPERTY LYING SOUTH AND ADJACENT TO LOTS 1 AND 2, BLOCK 2, ARGENTA ADDITION TO THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-56 (RESOLUTION NO. 6758 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1319 GARLAND STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read (owner Joseph C. Patterson). A motion to adopt was made by Alderman Berry and seconded by Alderwoman Robinson. Acting Mayor Witcher convened a public hearing. There being noone present who wished to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-05-57 (RESOLUTION NO. 6759 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1405 BEN IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSE, was read (owner Lynword Lee, Sr.). A motion to adopt was made by Alderman Berry and seconded by Alderman Witcher. Acting Mayor Witcher convened a public hearing. There being noone present who wished to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-05-58 (RESOLUTION NO. 6760 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 917 N. OLIVE IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read (owner Beatrice S. McMillon). A motion to adopt was made by Alderman Gipson and seconded by Alderwoman Robinson. Acting Mayor Witcher convened a public hearing. There being noone present who wished to be heard, the public hearing was adjourned. On the previous motion, and all members having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-05-59 (RESOLUTION NO. 6761 - MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 719 OLIVE IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES, PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE, AND FOR OTHER PURPOSES, was read (owner Esterosto LLC). A motion to adopt was made by Alderman Berry and seconded by Alderman Bryant. Acting Mayor Witcher convened a public hearing. There being noone present who wished to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-05-60 (RESOLUTION NO. 6762 - MAYOR HAYS)

A RESOLUTION APPOINTING MIKE SMITH TO THE UNEXPIRED TERM OF GENE HOLDER ON THE NORTH LITTLE ROCK SEWER COMMITTEE; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by

Alderman Parker, and by consent of all members present, the resolution was unanimously adopted (8/0). Acting Mayor Witcher advised this is a temporary appointment and a permanent appointment will be made at a later date.

R-05-61 (RESOLUTION NO. 6763 - MAYOR HAYS)

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH CO-BAR CONTRACTING, INC., NORTH LITTLE ROCK, AR, FOR STREET, DRAINAGE, AND SIDEWALK IMPROVEMENTS, PHASE III, WILLOW & 49<sup>TH</sup> STREETS, SYCAMORE TO 50<sup>TH</sup> STREETS, IN THE AMOUNT OF \$138,626.77, 30<sup>TH</sup> YEAR (2004) CDBG PROGRAM, was read. On the motion of Alderman Berry and seconded by Alderman Parker, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-62

A RESOLUTION ENDORSING THE FINANCING PLAN FOR A BASEBALL PARK IN THE CITY OF NORTH LITTLE ROCK, was called and held at the request of Acting Mayor Witcher for sponsor, Mayor Hays.

R-05-63

A RESOLUTION ACCEPTING THE 2005 PLAN ADOPTED BY THE NORTH LITTLE ROCK PARKS AND RECREATION DEPARTMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO PREPARE DOCUMENTATION NECESSARY FOR A BOND ISSUE; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the resolution was amended as follows: *Exhibit "A" page 2 (Revised Plan 2005) change Vestal to BURNS PARK FIELD and page 3 (Revised Narrative), 6. delete the following using lights and other amenities being moved from the Vestal Baseball Complex* (8/0). Alderman Gipson requested public hearing be scheduled for Monday, May 9, 2005, at 7:05 p.m. and held the legislation. Alderman Hight asked if there was discussion regarding funding for Funland which was reduced from \$390,000.00 to \$10,000.00 and if there was discussion as to why funds were not allocated for trail development. Alderman Bryant advised the majority of the \$390,000.00 for Funland was for a miniature golf course and no plans were presented to the Parks and Recreation Commission. A miniature golf course could be constructed for \$250,000.00. The commission did not feel the funds should be allocated without knowing if the course would produce income or without formal plans for the project. Mr. Bob Rhodes, Parks and Recreation Director advised information was not presented during public hearings regarding the trails. Contingency funds in the amount of \$100,000.00 could be allocated to the trails by the council. Alderman Bryant said approximately \$600,000.00 has been allocated for trails so far. Alderman Hight said there is a plan regarding a northern extension to the trail through Burns Park and through neighborhoods within the city including the Five-mile Creek area. Mr. Rhodes said the Hamburger Tax Bond Issue will be paid off in 2006. Alderman Berry asked if Federal Funds were available for the trails. Mr. Rhodes said funding requests have doubled to \$28,000,000.00. Last year, \$10,000,000.00 was requested.

O-05-26 (ORDINANCE NO. 7705 - MAYOR HAYS)

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SHORT-TERM FINANCING OBLIGATIONS BY THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ALLOCATING TAX REVENUES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE SHORT-TERM FINANCING OBLIGATIONS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO, was read. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). Alderman Gipson advised this legislation provides funding for software for the Police Department which was adopted by Resolution at the last meeting. On the motion of Alderman Gipson and seconded by Alderman Berry, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-27 (ORDINANCE NO. 7706 - ALDERWOMAN ROBINSON)

AN ORDINANCE GRANTING A CONDITIONAL USE FOR A DAY CARE CENTER IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4607 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Berry, and by consent of all member present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderwoman Robinson and seconded by Alderman Thomas, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). Alderwoman Robinson advised the day care would be located in the building next to the Rose City Substation which used to be a lounge. Mr. Robert Voyles said there were no problems with the proposal. On the motion of Alderwoman Robinson and seconded by Alderman Berry, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-28

AN ORDINANCE AUTHORIZING ANIMATION, THE ILLUSION OF MOVEMENT, AND CHANGING COPY ON CHANGEABLE COPY SIGNS (ELECTRONIC) LAWFULLY ERECTED PRIOR TO THE 22<sup>ND</sup> DAY OF NOVEMBER, 2004; AMENDING ORDINANCES 7674 ("THE SIGN ORDINANCE") AND 7697 ("THE ZONING ORDINANCE"); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). Alderman Gipson requested a public hearing for Monday, May 9, 2005, at 7:05 p.m. The legislation was then held at the request of the sponsors, Aldermen Gipson and Bryant.

O-05-29

AN ORDINANCE ESTABLISHING THE EAST BROADWAY SIGN OVERLAY DISTRICT AND AMENDING ORDINANCE NO. 7697, THE NORTH LITTLE ROCK ZONING ORDINANCE: DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held at the request of sponsor Alderwoman Robinson. A public hearing was scheduled for Monday, May 9, 2005, at 7:05 p.m.

**PUBLIC COMMENTS-----**

Alderman Thomas advised he was upset when he learned the East Washington Substation had closed. A lot of elderly people live in the area and are concerned with criminal activity. Alderman Parker announced a press conference regarding the upcoming city-wide

cleanup to be held Wednesday, April 27, 2005, at 11:00 a.m. at 7<sup>th</sup> and Main and invited everyone to attend. The cleanup will be held on May 21, 2005. Alderman Hight asked Mr. Tim Marvin, Traffic Services Director if he had received complaints regarding traffic on East McCain Boulevard. Mr. Marvin said the Arkansas State Highway and Transportation Department is working on the project, modifying the existing traffic signals and working on traffic plans and timing. Alderman Gipson said once Smokey Lane is reopened, traffic will have an alternate route. Mr. Mike Smith advised bids for the project on Fairfax could go out this week. Acting Mayor Witcher discussed the financial value to the City of North Little Rock from time donated by volunteers, which exceeded \$3.7 million. Mr. Sam Harris, Family Director of the new Washington Street Community Center said the area is being singled out; crime is a problem in other areas, too. The substation is still there, but the police are not. Their presence in the area is obvious. Cars are always being stopped by Police Officers. Alderman Thomas and Alderwoman Robinson asked Mr. Harris if the four properties (which he owns) which were shut down by the city were drug related. Mr. Randall (inaudible) lives in the area and said during the past five days, he has seen more police officers in the area than in the past two years. He did not know the substation had closed and had wondered why it took so long for officers to arrive when called. He was not aware of any meetings in the neighborhood. Dorothy Baccus lives on 2<sup>nd</sup> street. A lot of things are going on in the area which shouldn't be. She said the four properties that were condemned are overgrown and attract the wrong type of people. There is a problem in the area of the 2300 block of 2<sup>nd</sup> Street. Mr. Bobby Taylor asked what the red tag means on the Morgan building on Boyer Street. Michelle Brown lives in North Little Rock in the Baring Cross area. She is seeking financial assistance for a youth group in the area and asked if grant monies were available. There is a need for a Community Development Center in the area. Mr. James Lawson is concerned about the Capitol Improvement Program for Parks and Recreation. Funding is needed at the Sherman Park Recreation Center for improvements. The center isn't big enough for the needs of the area. He was also concerned that the Midnight Basketball Program had been sealed to 40 participants. Mr. Jerry McAway has lived on Washington Avenue for over 34 years. This evening at 6:15 p.m., he was sitting on his porch when he heard six gunshots, one-half block from his house. Five minutes later, seven police cars went by his house. A male leaving the area was apprehended by the officers. Mr. McAway said during the last eight days there have been a lot of police officers in the area and he is glad. He said the Substation at 7<sup>th</sup> and Main is not needed but the one on Washington Avenue is. Mrs. Margaret Powell, Director of Community Relations (Administration) has been involved with the East Washington Substation. She said Police Officers are needed in the area. She also said the area is seeing rejuvenation with a new program involving the New Harvest Ministries in cooperation with a Baptist Church. Chief Bradley said the substation has not been operating in over two years, however, whether it is open or closed, policing in the area is not impacted. An officer is assigned to the area 24 hours each day, 365 days per year. During the last four years, only one resident in the area has contacted him regarding problems. If there are issues, he needs to be made aware of them and will try to address them. Mr. Willie Shepard, Jr. has lived in the city for 59 years and his father worked for the city for 30 years. He recalled when the Washington Street Substation opened and said the name on the building is a deterrent to criminal activity. He is concerned about the neighborhood becoming a violent area. Mr. James Ard commended Aldermen Bryant, Berry and Parker for their involvement regarding the girls softball team. Ms. Odella Walker lives on Washington Avenue. She needs a sidewalk in front of her house. Ms. Walker agreed the substation is needed in the area.

There being no further business to come before the Council, and on the motion of Alderman Gipson and seconded by Alderman Berry, and no one else wishing to be heard, the meeting adjourned at 8:35 p.m. (8/0), until the next regular meeting to be held on Monday, May 9, 2005, at seven o'clock p.m. in the City Council Chambers, City Hall, North Little Rock, Arkansas.

APPROVED:  
MAYOR PATRICK HENRY HAYS

ATTEST:  
DIANE WHITBEY, CITY CLERK